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UNCLAS SECTION 01 OF 02 PARIS 004606

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BRUSSELS PASS USEU FOR AGMINCOUNSELOR
STATE FOR OES; EUR/ERA(GRAY); EEB/TPP/ABT/BTT (BOBO);
STATE PASS USTR FOR MURPHY/CLARKSON;
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EU POSTS PASS TO AGRICULTURE AND ECON
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SUBJECT: FRANCE'S DRAFT BIOTECH BILL: MON-810 AT RISK

REF: (A) PARIS 4567; (B) PARIS 4364, (C) PARIS 4170, (D) 2006 PARIS

2439

¶1. (SBU) Summary: Following France's months-long internal environmental review (ref A, B and C), French authorities have generated a draft biotech bill for review by the Council of State then the National Assembly and Senate, where it will be debated before becoming law. A preliminary version, shared with the Embassy, describes composition of a new authority for reviewing seed varieties and sets forth a liability regime under which biotech growers would bear full weight for any economic harm caused to neighbors. Of particular concern is a provision that would mandate public disclosure of biotech crop location at the parcel level. It is likely that the French will publish a decree in the French Official Journal formalizing the suspension of MON810 maize seed cultivation shortly. The GOF is also likely to issue a decree creating an interim Biotech Authority, to assess MON810. End Summary.

Draft Biotech Bill

¶2. The new competent authority would be comprised of two committees, both of which would perform risk evaluations. The scientific committee would be created from the merge of the former Genetic Engineering Committee (assesses risk of biotech products in confined spaces), the Biomolecular Engineering Committee (assesses biotech products with regard to releases into the environment), and the Biotech Monitoring Committee (monitors biotech products once authorized and released into the environment).

¶3. The economic, ethical and social committee would be comprised of NGOs (2 representatives), farmers' unions (2), planting seed industry (2), consumer groups (1), lawyer (1), environmentalist (1), philosopher (1), and local authorities (1 or 2). Each scientific and socio-economic committees would consist of 15 members. Reportedly, these groups' advice would not be binding, but rather their findings would be referred to the government for final decision.

¶4. The draft bill is not specific on coexistence rules e.g.

cropping distances, but suggests that additional decrees will specify the details after the bill is voted on by the Parliament. The bill establishes a clear liability regime, under which full responsibility would be borne by biotech growers when others are harmed due to the accidental presence of GMOs. Biotech producers would also need to contribute to an insurance fund. The draft bill creates a public register, at the plot level, pinpointing biotech crop production in France.

Suspension and Review of MON810

¶5. (SBU) In the light of WTO requirements, the French Government appears to have opted against invoking the safeguard clause to suspend MON810 authorization. However, sources report that an official decree is expected shortly in the French Official Journal formalizing the suspension announced by President Sarkozy on October 125.

¶6. (SBU) In the coming days, the GOF likely will also to publish a decree in the Official Journal creating an interim Biotech Authority, whose structure would be similar to that of the permanent competent authority. The transitional authority will be in charge of the reassessment of MON810. This authority is also expected to make recommendations regarding the authorization of biotech test plots for 2008.

¶7. (SBU) Comment: Both the government's proposed biotech bill and interim measures foreseen on MON810 present risks for biotech cultivation in France. The interim assessment and the GOF's response to it are uncertain. The draft bill reviewed by the Embassy presents strong concern including for the review process itself, liability issues and the publication of plot locations (especially given France's poor track record bringing to justice those responsible for biotech crop destruction). These factors, combined

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with yet-to-be announced coexistence measures detailing cropping distances, could make biotech production in France economically unviable. End Comment.

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